

# Wild and Scenic Rivers Management: What Does the New Program Mean to the Field?





# Breakout Session Goals



- **New Wild and Scenic Rivers (WSR) Program**
- **Summarize WSR Act**
- **What Technical Assistance Available?**
  - RTCA
  - WRD/NRPC
- **Open Discussion**



# New Wild and Scenic River Program



- **Established by NLC on May 17, 2007**
- **Servicewide Steering Committee (SC)**
- **Interim Co-Leaders for SC**
- **NLC Charged SC to Select Organizational Home & Develop Funding Strategies**
  - Located in PVE, but co-chartered under PVE and NRSS
  - No Funding for FY08 or FY09
- **New WSR Coordinator (No \$)**



# New Wild and Scenic River Program



- **Creating NPS Network for WASO, Regions and Parks**
- **Preparing a SC Charter**
- **Action Plan to Direct Program**
- **WSR Policy (DO46)**
- **Outreach/Education**
  - 40<sup>th</sup> Anniversary
  - Interagency Council





# Wild and Scenic Rivers Act: NPS Responsibilities



- **NPS one of 4 Federal Agencies with WSR Responsibilities**
- **Statutory and Management Responsibilities on 37 WSRs**
  - **28 rivers are units of National Park System**
  - **9 partnership rivers**
  - **17 WSRs managed by states or tribes (2a(ii))**



# Wild and Scenic River Types



- **WSR within National Park System**
- **Partnership Rivers**
- **State or Tribal Administered Rivers**
- **River Parks with Enabling Legislation Similar to the WSR Act**



# Wild and Scenic River Types: WSR w/in National Park System



- **Establish Boundaries**
- **Classify River**
- **Prepare Comprehensive River Management Plans (CRMPs)**
- **Protect and Enhance Free-Flow, Water Quality and Outstandingly Remarkable Values (ORVs)**
- **Review Federally Assisted Water Resource Projects (Sec. 7)**



# Wild and Scenic River Types: Partnership Rivers



- **Administered by DOI, Not Part of NP System**
- **Collaborative River Management**
- **No NPS Land Ownership**
- **NPS Reviews Federally Assisted Water Resource Projects (Sec. 7)**
- **Implement Legislative Intent of WSR Act to:**
  - **Preserve and Enhance**
  - **Boundaries and Classification**
  - **CRMPs**





# Wild and Scenic River Types

## State/Tribal Administered Rivers



- **Called 2a(ii) Rivers**
- **Governor Applies for Designation and Adm. By State/Local Agencies**
- **Administer Without Cost to Federal Government (Except Sec. 7)**
- **No NPS Land Ownership**
- **State Responsible for Boundaries, Classification and Protecting River Values**
- **NPS Reviews Federally Assisted Water Resource Projects (Sec. 7)**
- **Technical Assistance OK**



# Wild and Scenic River Types

## River Parks with Special Legislation



- River Parks w/ Enabling Legislation Similar to the WSRA (e.g., BUFF, CHAT, OZAR)
- Not Part of WSRs System
- NPS Reviews Federally Assisted Water Resource Projects (Sec. 7)
- May Have Special Provisions (e.g., water development, streambank protection)





# Wild and Scenic Rivers Act

(P.L. 90-542; Oct. 2, 1968)



- **Section 1(b)** - *National Policy; What is Protected*
- **Section 3(d)(1)** - *Planning*
- **Section 5(a) and (d)** - *Studies and Nationwide River Inventory*
- **Section 7(a)** - *Restrictions on Dams and Federal Water Resources Projects*
- **Section 10(a)** - *Enhancement Provision*





# Wild and Scenic Rivers Act

(P.L. 90-542, Oct. 2, 1968)

## Section 1(b) - Congressional Declaration of Policy

*“The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would **preserve** other selected rivers or sections thereof in their **free flowing** condition to protect the **water quality** of such rivers and to **fulfill other vital national conservation purposes**”*

# Section 1(b): Protected Values



## *Section 1(b):*

- **Free-Flow**
- **Water Quality**
- **ORVs**



# Free-flowing Condition

Section 16(a) defines free-flowing as:

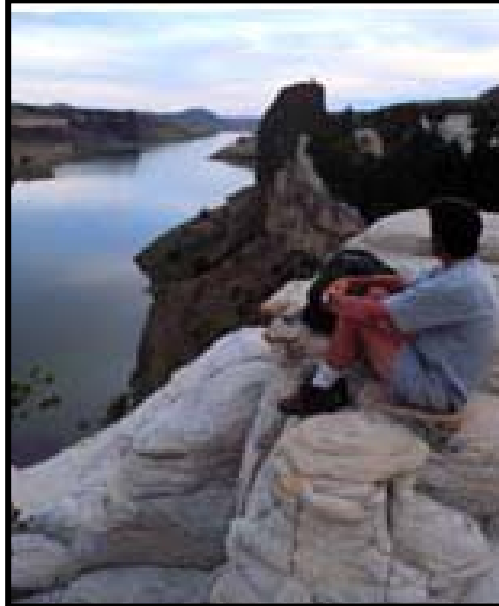
***“existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway”***



# Outstandingly Remarkable Values (ORVs)

## National or Regional Significance

- Scenic
- Fish and Wildlife
- Recreation
- Geologic
- Historic/Cultural
- Archeological
- Scientific and other similar resources



# Section 3(d)(1): Directive for CRMP



## River Mgt. Plans Shall:

- **Address Resource Protection**
- **Development of Lands and Facilities**
- **User Capacities**
- **Identify Mgt. Practices to Achieve Purposes of the Act**



# Section 5: Studies and NRI



## **Section 5(a):**

- **Congress Authorizes Study**
- **Eligibility/Suitability Studies Completed within 3 years**
- **Rivers Afforded Protection**

## **Section 5(d):**

- **Requires Eligibility Studies During Federal Land Planning**
- **National Rivers Inventory – Federal Agencies Must Consult with NPS and Assess Suitability**





# Section 7(a)



## The Heart of WSR Protection

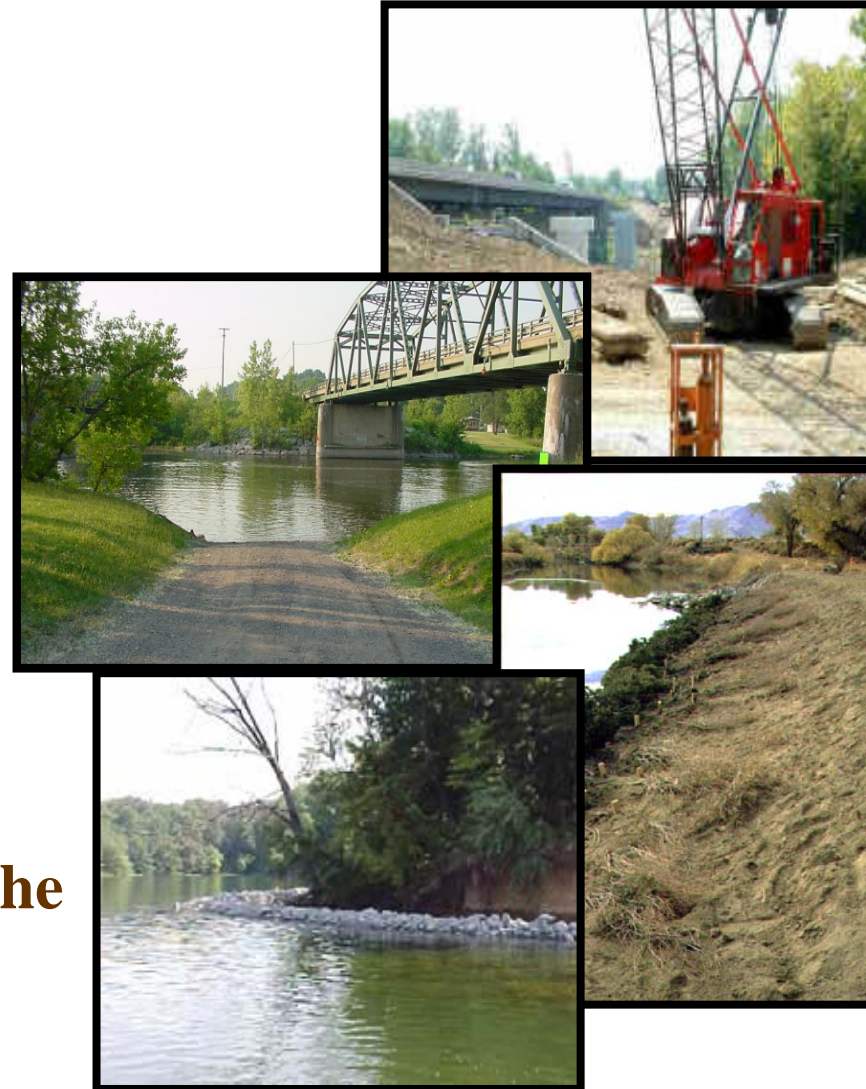
“....no department or agency shall assist by loan, grant, license, or otherwise in the **construction** of any **water resources project** that would **have a direct and adverse effect** on the **values** for which such river was established...”

# Section 7(a)

**Applies Only to:**

**Federally Assisted Water development projects that affect the free-flowing characteristics; usually require 404 permit (USACE)**

**Requires an affirmative Section 7(a) determination, pursuant to the Act, prior to implementation**





# Section 7(a) - Standards

- **Direct and Adverse Effect on the Designated River**
- **Invade the Area or Unreasonably Diminish Values Below, Above, or Tributary to the Designated River** (not true on Study Rivers)





# Wild and Scenic Rivers Act: Section 10

## Section 10 (a): Anti-Degradation and Enhancement policy

- Requires a monitoring plan
- *“Each component is to be managed to protect and enhance the values for which it was included in the system”*

# Wild and Scenic Rivers Act: Section 13

## Reserved Water Rights

- **No Exemption from State Water Laws**
- **Reservation of Water Necessary to Accomplish Purposes of River**

# Helpful Wild and Scenic River Resources

- 1. Interagency Wild & Scenic Rivers Coordinating Council (IWSRCC)**  
<http://www.rivers.gov/>
  - Wild & Scenic Rivers Reference Guide
  - Listing of Designated Rivers, NRI, Act, Technical Papers, Links
- 2. River Management Society--professional organization**  
<http://www.river-management.org/index.asp>
  - Regional/National Meetings/Conferences; networking
- 3. NPS--Rivers, Trails, Conservation Assistance (RTCA) Program**  
<http://www.nps.gov/ncrc/programs/rtca/>
  - Tools (Project tips, community participation, etc)
  - Funding sources, publications
- 4. Guidance for agency coordination on Wild and Scenic Rivers**  
<http://www.fhwa.dot.gov/ncdiv/docs/wsr.pdf>
  - Developed by FHWA/NCDOT/NPS/USFS



# NPS Wild & Scenic Rivers Contacts

- **Bill Hansen, Co-leader WSR Steering Committee**  
Water Resources Division , WASO, (970) 225-3532
- **Joan Harn, Co-leader WSR Steering Committee**  
Rivers and Hydro Leader, WASO, (202) 354-6929
- **Charlie Stockman, RTCA, WASO**  
*External Programs, Partnership Rivers, (202) 354-6907*
- **Sue Jennings, Midwest Region (MORA soon)**  
*WSRA; Section 7(a); 2(a)(ii); Integrating NEPA; 4(f) issues*  
(402) 661-1848
- **Cassie Thomas, RTCA, Alaska**  
*All aspects of the Wild and Scenic Rivers Act, (907) 644-3590*

A misty landscape with a river and mountains. The foreground is filled with dense, dark green foliage and tall grasses. In the background, a wide river flows through a valley, with misty mountains rising on either side. The sky is overcast and grey.

*“To protect your rivers,  
protect your mountains”*

*~Emperor Yu of China*

